

Message Text

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PAGE 01 STATE 102859
ORIGIN SCS-06

INFO OCT-01 NEA-10 ISO-00 L-03 CA-01 MED-03 SS-15
HA-05 H-02 /046 R

DRAFTED BY CA:SCS:FXLAMBERT:SAS
APPROVED BY CA:SCS:AAGISE
SCS - SADOBRENUK (DRAFT)
L/CA - RHENDERSON (DRAFT)
NEA/IRN - MGREENE (DRAFT)
CA - RTHENNEMEYER (DRAFT)
MED - MR. ROSE (INFO)
M/FLO - MS. LLOYD (INFO)
-----013009 220710Z /14
P 220153Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY TEHRAN PRIORITY

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E.O. 11652: N/A

TAGS: CASC, IR

SUBJECT: CHILD ABUSE CASES

REF: TEHRAN 03211

1. REFERENCED CABLE HAS CAUSED MUCH CONCERN IN CA AND ELSEWHERE IN THE DEPARTMENT.
2. BEFORE DEPARTMENT CAN PROVIDE APPROPRIATE GUIDANCE, IT WILL NEED THE ADDITIONAL INFORMATION REQUESTED IN PARAGRAPH 7 BELOW. IN THE INTERIM THE FOLLOWING GENERAL GUIDANCE IS SUGGESTED FOR POST'S CONSIDERATION:

(A) TRADITIONALLY THE ROLE OF A POST IN PROTECTION
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OR WELFARE CASES IS RELATED PRIMARILY TO PROTECTING AMERICAN CITIZENS AGAINST VIOLATION OF THEIR LEGAL OR HUMAN RIGHTS BY OFFICIALS OF THE HOST GOVERNMENT. POSTS HAVE AVOIDED BECOMING INVOLVED IN PRIVATE DOMESTIC PROBLEMS OF AMERICAN CITIZENS CONCERNING WHICH U.S. GOVERNMENT OFFICIALS ABROAD ARE NOT REQUIRED BY LAW, REGULATIONS OR PRACTICE TO ASSIST IN RESOLVING. THESE GENERAL PRINCIPLES

APPLY TO CHILD ABUSE CASES.

(B) NEVERTHELESS, A CHIEF OF MISSION, PRINCIPAL OFFICER OR CONSULAR OFFICERS CANNOT AND SHOULD NOT IGNORE

SUBSTANTIATED INHUMANE ACTS AGAINST AMERICAN CITIZENS EVEN THOUGH THE PERPETRATORS OF THOSE ACTS MAY BE OTHER AMERICANS. THIS WOULD SEEM ESPECIALLY TRUE WHEN THE VICTIMS ARE DEFENSELESS AMERICAN CHILDREN. THIS CONCLUSION IS BASED ON THE FOLLOWING CONSIDERATIONS:

(1) THE AMERICAN CITIZEN CHILD ABUSER MAY GET INTO TROUBLE WITH LOCAL LAW ENFORCEMENT AUTHORITIES AND IT IS ALWAYS BETTER TO OBIVIATE DETENTION OF AMCITS IF POSSIBLE.

(2) IF CHILD ABUSE BY AMERICANS IN IRAN IS WIDE-SPREAD, THEN SOME IRANIANS MAY KNOW OF IT, AND THAT KNOWLEDGE MIGHT SPREAD, TO THE DETRIMENT OF THE LOCAL AMERICAN COMMUNITY AND THE AMERICAN IMAGE IN GENERAL. SURELY, THIS IS A MATTER OF CONCERN TO OUR GOVERNMENT.

(3) THE PERPETRATOR OF THE ABUSE NEEDS HELP, MAY EVEN WANT HELP. IT MAY WELL BE A SERVICE TO SUCH A PERSON TO CALL THE ABUSE TO ATTENTION OF SOMEONE OR SOME ORGANIZATION THAT CAN AND WILL DO SOMETHING ABOUT IT.

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(4) ABOVE ALL, THE CHILD NEEDS AND HAS A RIGHT TO PROTECTION AGAINST ABUSE. FOR HUMANITARIAN REASONS ALONE POSTS CANNOT IGNORE SUBSTANTIATED CASES OF ABUSE OF AN AMERICAN CHILD.

3. EXCEPT POSSIBLY AS A LAST RESORT AND AFTER CONSULTATION WITH THE DEPARTMENT, IT IS NOT CONSIDERED ADVISABLE FOR POSTS TO RAISE THIS TYPE OF PROBLEM WITH LOCAL SOCIAL SERVICE AGENCIES OR WITH HOST GOVERNMENTS. NOTWITHSTANDING THE CHIEF OF MISSION, PRINCIPAL OFFICER OR HIS DEPUTY MAY BE ABLE TO ASSIST IN INITIATING EFFECTIVE ACTION WITHIN THE AMERICAN COMMUNITY ITSELF. IF THERE ARE "A SIGNIFICANT NUMBER OF CHILD ABUSE CASES" AS REPORTED IN TEHRAN'S 3211, THEN THE MATTER IS ESSENTIALLY AN AMERICAN COMMUNITY PROBLEM, AND A SOLUTION MAY BEST BE SOUGHT THROUGH COMMUNITY ACTION. PRECISELY WHAT ORGANIZATION (THE SOCIAL DEVELOPMENT CENTER, AN AMERICAN RELIGIOUS ORGANIZATION, THE AMERICAN SOCIETY, THE PARENT TEACHERS ASSOCIATION, THE AMERICAN SCHOOL, THE AMERICAN CHAMBER OF COMMERCE, ETC.) SHOULD BE APPROACHED WILL DEPEND ON THE LOCAL SITUATION. UNTIL SUCH TIME AS MORE SPECIFIC POLICY GUIDELINES ARE DEVELOPED, APPROACHES TO SUCH ORGANIZATIONS

MIGHT BEST BE MADE IN THE OFFICER'S CAPACITY AS A CONCERNED MEMBER OF THE AMERICAN COMMUNITY RATHER THAN AS A REPRESENTATIVE OF THE U.S. GOVERNMENT.

4. IF NO SUITABLE AMERICAN COMMUNITY ORGANIZATION CAN BE

IDENTIFIED, AN APPROACH MIGHT BE MADE TO THE AMERICAN RESIDENT HEAD OF THE FIRM BY WHICH THE AMERICAN CITIZEN CHILD ABUSER OR HIS/HER SPOUSE IS EMPLOYED. IF THE COMPANY HEAD EVINCES NO INTEREST, THE EMBASSY SHOULD SO REPORT TO THE DEPARTMENT FOR POSSIBLE COMMUNICATION WITH THE PARENT COMPANY IN THE U.S.

5. IF THE VICTIM OF THE ABUSE ATTENDS AN AMERICAN SCHOOL,
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CONSULTATIONS WITH THE PRINCIPAL OR OTHER RESPONSIBLE ADMINISTRATOR MAY BE ADVISABLE. HERE IN THE U.S. THE PRINCIPAL WOULD CERTAINLY TAKE AN INTEREST IN SUCH CASES AND TRY TO DO SOMETHING ABOUT THEM.

6. CHILD ABUSE CASES ARE HIGHLY SENSITIVE MATTERS AND MUST BE HANDLED WITH UTMOST DISCRETION. ABOVE ALL, BEFORE ANY OF THE ABOVE SUGGESTED STEPS ARE TAKEN, THE FACT OF CHILD ABUSE MUST BE SUBSTANTIATED AND WITNESSES TO IT MUST BE WILLING TO COME FORTH, IF NEED BE, TO PROVIDE CONFIRMATION. CLEARLY, THE POST CANNOT BE PLACED IN THE POSITION OF MAKING AN APPROACH ON THE BASIS OF MERE HEARSAY OR RUMOR.

7. ACTION REQUESTED: UNTIL THE EMBASSY HAS FURNISHED THE DEPARTMENT MORE DETAILED INFORMATION ON THE NATURE AND PARAMETERS OF THIS PROBLEM IN IRAN AND THE DEPARTMENT HAS HAD AN OPPORTUNITY TO CONSIDER THAT INFORMATION, THE EMBASSY SHOULD TAKE NO ACTION UNLESS THE AVAILABLE INFORMATION INDICATES THAT THE LIFE OR DISABLEMENT OF A CHILD IS IN DANGER, IN WHICH CASE THE DEPARTMENT SHOULD BE ADVISED IMMEDIATELY. SPECIFICALLY THE DEPARTMENT NEEDS TO KNOW: (A) WHAT IS MEANT BY "A SIGNIFICANT NUMBER OF CHILD ABUSE CASES" (TEHRAN'S 3211); (B) HOW PRECISELY DID THIS MATTER "COME TO THE ATTENTION OF THE EMBASSY"?; (C) DID THE REPORTER OF THE ABUSE HAVE FIRST HAND KNOWLEDGE AND WOULD HE OR SHE BE WILLING TO PROVIDE A WRITTEN STATEMENT?; (D) IS THE ABUSE OCCURRING IN WIDESPREAD AREAS OR IS IT CONFINED TO ONE OR TWO LOCALITIES?; (E) WHAT ARE THE FORMS OF THE ABUSES, E.G., SEVERE WHIPPING OR BEATINGS, NEGLECT AND MALNUTRITION, SEXUAL ABUSE, OTHER?; (G) IS THERE PHYSICAL EVIDENCE OF THE ABUSES, E.G., BRUISE MARKS?; (H) ARE THERE ANY AMERICAN OR IRANIAN SOCIAL AGENCIES WILL-
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ING AND ABLE TO COPE WITH SUCH CASES?; (I) ANY OTHER INFORMATION THE POST MAY BE ABLE TO FURNISH ON THE NATURE, SCOPE, SOURCE OF INFORMATION, LOCAL KNOWLEDGE OF THE PROBLEM, LOCAL ATTITUDES TOWARDS AND LAWS AGAINST SUCH CHILD ABUSE? AND (J) ANY SUGGESTIONS POST MAY HAVE TOWARD RESOLVING THE PROBLEM.

8. UPON RECEIPT OF THE ABOVE INFORMATION, THE DEPARTMENT WILL EXPLORE WITH THE MEDICAL DIVISION, THE RECENTLY ESTABLISHED FAMILY LIAISON OFFICE AND PRIVATE ORGANIZATIONS WHAT HELP MIGHT BE MADE AVAILABLE TO THE EMBASSY TO ASSIST IN RESOLVING THIS PROBLEM.

9. REGARDING THE LIMITATIONS OF THE PRIVACY ACT IN SUCH A SITUATION, IT IS DIFFICULT TO ADVISE IN THE ABSENCE OF SPECIFIC FACTS. SECTION 3 TITLE 5 USC 552A(B) (THE PRIVACY ACT), STATES "NO AGENCY SHALL DISCLOSE ANY RECORD WHICH IS CONTAINED IN A SYSTEM OF RECORDS BY ANY MEANS OF COMMUNICATION TO ANY PERSON OR TO ANOTHER AGENCY EXCEPT PURSUANT TO A WRITTEN REQUEST BY OR WITH THE PRIOR WRITTEN CONSENT OF THE INDIVIDUAL TO WHOM THE RECORD PERTAINS---". IN SECTION 552(A) THE TERM RECORD IS DEFINED AS "ANY ITEM, COLLECTION OR GROUPING OF INFORMATION ABOUT AN INDIVIDUAL THAT IS MAINTAINED BY AN AGENCY---". FURTHER, UNDER 552A (B)(8) AN EXCEPTION TO THE NON-DISCLOSURE IS PROVIDED: "TO A PERSON PURSUANT TO A SHOWING OF COMPELLING CIRCUMSTANCES AFFECTING THE HEALTH OR SAFETY OF AN INDIVIDUAL ---". IN CHILD ABUSE SITUATIONS IT IS PRESUMED THAT THE ROLE OF THE POST IS AS A "GOOD OFFICE" AND THAT ASIDE FROM INFORMAL MEMORY-JOGGING NOTES THERE WOULD NOT BE ANY "RECORD" IN A "SYSTEM OF RECORDS" MAINTAINED BY THE POST. EVEN IF IT SHOULD BE CONSTRUED THAT SUCH INFORMAL NOTES SHOULD BE CONSIDERED AS A RECORD UNDER THE ACT, THE EXEMPTION UNDER 552A(B)(8) FOR HEALTH AND SAFETY WOULD APPLY.

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10. THE DEPARTMENT WILL FURNISH MORE PARTICULAR GUIDANCE AFTER IT HAS CONSIDERED THE REQUESTED INFORMATION. CHRISTOPHER

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Message Attributes

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Decaption Date: 01 jan 1960
Decaption Note:
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Status: NATIVE
Subject: CHILD ABUSE CASES
TAGS: CASC, SHUM, IR, US
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Type: TE
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